

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

STEPHEN R. PUCKETT, BETH W.
PUCKETT, and P IV LIMITED
PARTNERSHIP,

Plaintiffs,

v.

KPMG, LLP; WILLIAM L. SPITZ;
WACHOVIA BANK, N.A., successor by merger)
to FIRST UNION NATIONAL BANK, N.A.;
QA INVESTMENTS, LLC; and QUELLOS)
GROUP, LLC,

Defendants.

CIVIL ACTION NO: 3:05 CV-87

CHARLES A. PATTON, individually and as Trustee)
of the CAP Children's Irrevocable Trust and as
custodian of L.V.P. and R.A.P.; BARBARA J.)
PATTON; WILLIAM A. PATTON; PATTON)
ASSOCIATES, LP; LBC INVESTMENTS LLC; and)
LINDA G. WATKINS,

Plaintiffs,

v.

FIRST UNION NATIONAL BANK, N.A. a/k/a)
WACHOVIA BANK, N.A.; KPMG, LLP; QA)
INVESTMENTS, LLC; QUELLOS GROUP, LLC.,)
as successor in interest to QUADRA CAPITAL)
MANAGEMENT, LP; QUELLOS CAPITAL)
MANAGEMENT, LP, as successor in interest to)
QUADRA CAPITAL MANAGEMENT, LP;
QUADRA ADVISORS, LLC; QUADRA)
ASSOCIATES, LLC a/k/a QUELLOS FINANCIAL)
ADVISORS, LLC; RALPH E. LOVEJOY, II;)
PILLSBURY WINTHROP LLP f/k/a PILLSBURY)
MADISON & SUTRO, LLP; and)
PRICEWATERHOUSECOOPERS, LLP,

Defendants.

CIVIL ACTION NO: 3:05 CV-88

JAMES E. GREEN and DEBRA F. GREEN,)

)
Plaintiffs,)

)
v.)

CIVIL ACTION NO: 3:05 CV-79

)
KPMG, LLP; WACHOVIA BANK, N.A.,)
successor by merger to FIRST UNION)
NATIONAL BANK, N.A.; QA)
INVESTMENTS, LLC; AND QUELLOS)
GROUP, LLC.)

)
Defendants.)

ROBERT D. GREEN and PAMELA W.)
GREEN,)

)
Plaintiffs,)

)
v.)

CIVIL ACTION NO: 3:05 CV-80

)
KPMG, LLP; WACHOVIA BANK, N.A.,)
successor by merger to FIRST UNION)
NATIONAL BANK, N.A.; QA)
INVESTMENTS, LLC; AND QUELLOS)
GROUP, LLC.)

)
Defendants.)

ORDER ON MOTION TO REMAND

This matter comes before the Court on the joint request of all parties, pursuant to an agreement between and among them, that the Court both vacate the Recommendation entered by the Magistrate and remand all the above-captioned cases without addressing on the merits the jurisdictional issues presented by the motions to remand. The cases have been consolidated for jurisdictional purposes only. It appears to the Court that, given the joint request by the parties to vacate the Recommendation and remand the cases pursuant to agreement, the jurisdictional issues presented by the motions to remand are moot and need not be addressed on the merits.

Now, therefore, it is hereby **ORDERED** as follows:

1. The Memorandum and Recommendation and Order docketed in Civil Action No. 3:05 CV 79 as docket no. 48; in Civil Action No. 3:05 CV 80 as docket no. 49; in Civil Action No. 3:05 CV 87 as docket nos. 46 and 47; and in Civil Action No. 3:05 CV 88 as docket no. 62 are hereby **VACATED**.

2. Without addressing the jurisdictional issues presented by the motions to remand, which are now **MOOTED**, each case is hereby **REMANDED** to the General Court of Justice, Superior Court Division, of Mecklenburg County from whence it was removed;

3. All other pending motions of the parties as identified in the Memorandum and Recommendation and Order are denied without prejudice to the moving party asserting them in the State Court proceedings;

4. All parties shall bear their own costs and attorneys' fees; and

5. The Clerk shall take all actions necessary to effect the remand of these cases.

Signed: April 11, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge



CONSENTED TO:

s/ W. James Chandler, Jr.

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